

Department of Permits Approvals and Inspections  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 91137

Rodney L. Crouch  
1210 Hilldale Road  
Baltimore, MD 21237  
Respondent

1210 Hilldale Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on August 24, 2011 for a Hearing on a citation for violations under the Zoning Commissioner's Policy Manual (ZCPM) §101; 102.1; failure to cease service garage activities on residential property.

On August 29, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,600.00 (five thousand six hundred dollars).

The following persons appeared for the Hearing and testified: Brian Hosier, Tenant, on behalf of Respondent; Moussa Moussa, Deborah Mallonee, Joyce Hrica, and Ryan Fisher, Baltimore County Code Enforcement Officer.

Testimony was presented by Inspector Fisher that this location has been the subject of ongoing proceedings and investigation since at least April 2011. Responding to complaints from neighbors that Mr. Hosier, the tenant at the subject property, was operating an illegal service garage, he had suggested that the neighbors document their allegations by photographing vehicles being worked on by Mr. Hosier. What followed was evidently an extended period of observation of vehicles coming and going from the subject site. The Inspector told them he would then check the vehicle tags on the photographs with MVA records to see if in fact work was being done by Mr. Hosier on vehicles which

were not his. Inspector Fisher noted that he “ran” the tag numbers of several vehicles, ascertaining they did not belong to Mr. Hosier, and determined that at least two matched photos of vehicles on the subject property; and that the photos showed the hoods of these vehicles open, indicating work being done, and a third in which the vehicle description and tag number reported by the neighbors also revealed that that it was owned by someone other than Mr. Hosier, but that the particular photo does not show the license plate clearly. Based upon their activities, submissions of photos to him, and his review of MVA records, He then issued the Citation in this case. The above Photographs were admitted to the record, in addition to a numbers of other photos of numerous vehicle on the property over a period of time, as well as of Mr. Hosier working on vehicles and other alleged repair related activities.

Mr. Moussa testified that he has observed Mr. Hosier driving a vehicle with no tags onto the subject site on May 5, 2011. He stated that considerable work was done on the vehicle by Mr. Hosier, who, upon removing that vehicle, brought another immediately to the site to work on. He sees what he describes as a “stream” of vehicles upon which Mr. Hosier works. He further stated that the night before the hearing Mr. Hosier and another man brought a vehicle to the site by tow truck.

Deborah Maloney, another neighbor, testified that she had taken many of the Photos presented at the hearing. She also described constant activity on the subject property, including the use of tools, machine tools and a compressor by Mr. Hosier as he worked on vehicles.

Joyce Hrica, another neighbor, confirmed and joined in the testimony of Moussa and Maloney. She added that there was also considerable “gunning” of engines by Mr. Hosier as he worked on vehicles at various times.

Mr. Hosier testified that he is a car enthusiast who works on his own cars, that he has worked on the cars of friends in the past, for which he states he receives no compensation. He believes that the neighbors are simply photographing any vehicle coming to his home for any reason. He viewed the photos taken by the neighbors. He noted that in one photo, the vehicle was actually on the street with him leaning in. In others, he identified the owners as friends and family, or friends of family.

Having heard the testimony and evidence presented at the Hearing I am convinced that the Tenant Mr. Hosier carries on a brisk and continuing pattern of providing repair services to motor

vehicles not owned by him. The vehicles are brought to him by different individuals, and according to Mr. Moussa, on at least one occasion by tow truck. From the totality of the evidence, though to some degree circumstantial, I cannot but conclude that Mr. Hosier is operating a service garage on the subject property. I deduce from that conclusion that these services, provided to various individuals on a busy and recurring basis, result in compensation being paid to Mr. Hosier.

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty lien be imposed in the amount of \$5,600.00(Five Thousand six hundred dollars).

IT IS FURTHER ORDERED that \$2,600.00 of the \$5,600.00 civil penalty lien be suspended.

IT IS FURTHER ORDERED that the remaining \$2,600.00 will be imposed if the property is not brought into immediate compliance.

IT IS FURTHER ORDERED that if the property is brought into compliance pursuant to this Order, the remaining \$2,600.00 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty lien AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 23<sup>rd</sup> day of September 2011

Signed: Original signed 09/23/11  
Lawrence Stahl  
Managing Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

TMK/lmw